

DIVISION I

CA07-00061

DOROTHY J. JOHNSON

SEPTEMBER 12, 2007

APPELLANT
v.
CITY OF LITTLE ROCK RISK
MANAGEMENT RESOURCES
APPELLEE

A P P E A L F R O M T H E
W O R K E R S ' C O M P E N S A T I O N
C O M M I S S I O N
[F508011]

AFFIRMED

Appellant Dorothy Johnson appeals from a decision by the Workers' Compensation Commission, finding that appellant failed to prove by a preponderance of the evidence that she remained within her healing period, symptomatic and in need of continued medical treatment relative to her June 21, 2005, injury, subsequent to July 12, 2005, and that all medical treatment appellant received after July 12, 2005, was reasonable and necessary. We find no error and affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion

if we sat as the trier of fact or heard the case *de novo*. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999). Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't. of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993).

The only issue in this appeal is whether sufficient evidence supports the Commission's denial of temporary total disability or temporary partial disability for the periods requested and the Commission's denial of additional medical treatment. The Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

ROBBINS and GLOVER, JJ., agree.